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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL BOYD,

Defendant.

CR No.: 05-00236 MAG

STIPULATION AND [PROPOSED]  
ORDER EXCLUDING TIME

On September 19, 2005, the parties in this case appeared before the Court for a status conference. At that time, the parties stipulated that time should be excluded from the Speedy Trial Act calculations from September 19, 2005 to November 1, 2005 for preparation of the diversion agreement. Specifically, Mr. Tyler, counsel for Mr. Boyd, requested the continuance in light of the fact both Plaintiff and Pre-Trial Services had not yet authorized this matter to proceed through the diversion process. The parties represented that granting the continuance was the

Stipulation and [Proposed] Order

**FILED**  
NOV X 1 2005  
RICHARD W. WICKING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

reasonable time necessary for effective preparation of counsel for the Government, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice served by granting such a continuance outweighed the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A).

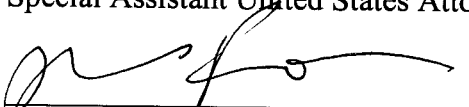
SO STIPULATED:

KEVIN V. RYAN  
United States Attorney

DATED: 11/1/05

  
DEREK R. OWENS  
Special Assistant United States Attorney

DATED: 11/1/05

  
RONALD C. TYLER  
Attorney for Mr. Boyd

As the Court found on September 19, 2005, and for the reasons stated above, the Court finds that an exclusion of time between September 19, 2005 and November 1, 2005 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. §3161 (h)(8)(A). The failure to grant the requested continuance would deny the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

SO ORDERED.

DATED: 11/1/05

  
EDWARD M. CHEN  
United States Magistrate Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

USA et al,

Plaintiff,

v.

Boyd et al,

Defendant.

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Case Number: CR05-00236 EMC

**CERTIFICATE OF SERVICE**

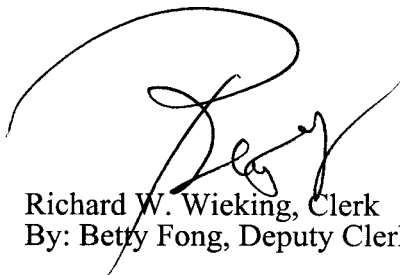
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 1, 2005, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

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Ronald C. Tyler  
Federal Public Defender's Office  
450 Golden Gate Avenue  
San Francisco, CA 94102

Dated: November 1, 2005



Richard W. Wieking, Clerk  
By: Betty Fong, Deputy Clerk